

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
JUDY A. ROBBINS
UNITED STATES TRUSTEE
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

IN RE:	§	CASE NUMBER:
	§	
CHRISTOPHER D. ARMITAGE	§	13-20227-C-7
	§	
DEBTOR	§	CHAPTER 7

**MOTION OF THE UNITED STATES TRUSTEE TO DELAY ENTRY OF DISCHARGE
AND TO ENLARGE TIME TO FILE A MOTION TO DISMISS AND/OR
A COMPLAINT OBJECTING TO DISCHARGE**

LOCAL RULE 9013(b) NOTICE: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE RICHARD S. SCHMIDT
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, THE UNITED STATES TRUSTEE, ("UST"), through the undersigned counsel, in furtherance of the administrative responsibilities imposed pursuant to 28 U.S.C. § 586(a), and respectfully requests, pursuant to FRBP 1017(e)(1) and 9006(b)(3), an order delaying entry of the Debtor's discharge and enlarging the time to file a motion to dismiss pursuant to 11 U.S.C. § 707, and/or a complaint objecting to discharge pursuant to 11 U.S.C. § 727 in the above-styled and numbered case. In support of its request, the UST represents and alleges as follows:

1. The Debtor, Christopher D. Armitage, filed a voluntary petition under Chapter 7 of the Bankruptcy Code on May 21, 2013. Michael B. Schmidt, ("trustee"), was appointed Chapter 7 trustee and continues to serve in that capacity.
2. Pursuant to § 341 of the Bankruptcy Code, a meeting of creditors in the Chapter 7 case was scheduled to be held July 3, 2013. (Docket No. 9) The trustee has continued the meeting monthly since the initial setting; the meeting of creditors is currently scheduled to be re-convened on September 6, 2013.
3. The deadline for opposing discharge is September 3, 2013. (Docket No. 9)
4. The UST is reviewing this case for possibly filing a motion to dismiss under 11 U.S.C. § 707, and/or filing a complaint objecting to discharge under 11 U.S.C. § 727.
5. A review of the Debtor's schedules and statement of financial affairs indicates the UST needs additional time for discovery. The Debtor may not be eligible for a discharge pursuant to the Bankruptcy Code.
6. In the event a motion to dismiss and/or a complaint objecting to discharge is filed by the UST, the entry of a discharge order prior to a ruling would effectively abrogate any effect of dismissal under 11 U.S.C. § 707 or denial of discharge under 11 U.S.C. § 727.
7. The UST requests an extension of the deadlines to file (1) a motion to dismiss this case for abuse under 11 U.S.C. § 707; and/or (2) a complaint objecting to discharge under 11 U.S.C. § 727.

WHEREFORE, the United States Trustee respectfully requests the Court enter an order pursuant to 11 U.S.C. § 105, FRBP 1017(e)(1) and FRBP 9006(b)(3) delaying the entry of discharge, until November 4, 2013, thus enlarging the UST's time to file a motion to dismiss pursuant to 11 U.S.C. § 707 and/or a complaint objecting to discharge pursuant to 11 U.S.C. § 727 in this case, and for any and all further relief as may be equitable and just.

Respectfully submitted,

JUDY A. ROBBINS
UNITED STATES TRUSTEE

By: /s/Barbara C. Jue
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the MOTION OF THE UNITED STATES TRUSTEE TO DELAY ENTRY OF DISCHARGE AND TO ENLARGE TIME TO FILE A MOTION TO DISMISS AND/OR A COMPLAINT OBJECTING TO DISCHARGE was served electronically upon the parties so noticed by the Clerk of the Bankruptcy Court, and upon the Debtor, Debtor's Attorney and Trustee as listed below, by United States Mail, first class postage pre-paid on the 3rd day of September, 2013.

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Debtor's Attorney:

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Trustee:

Michael B. Schmidt
Chapter 7 Trustee
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